

# TITLE 15 - ENROLLMENT

<b>Chapter 01. Enrollment .....</b>	<b>2</b>
<b>Sec. 15.01.001 Purposes .....</b>	<b>2</b>
<b>Sec. 15.01.002 Definitions.....</b>	<b>2</b>
<b>Sec. 15.01.003 Application for Enrollment Procedures.....</b>	<b>3</b>
<b>Sec. 15.01.004 Eligibility.....</b>	<b>3</b>
<b>Sec. 15.01.005 Enrollment Committee .....</b>	<b>5</b>
<b>Sec. 15.01.006 Relinquishment .....</b>	<b>6</b>
<b>Sec. 15.01.007 Disenrollment and Challenges to Enrollment .....</b>	<b>6</b>
<b>Sec. 15.01.008 Enrollment of Children .....</b>	<b>7</b>
<b>Sec. 15.01.009 Administration .....</b>	<b>7</b>

## Chapter 01. Enrollment

Sec. 15.01.001	Purposes
Sec. 15.01.002	Definitions
Sec. 15.01.003	Application for Enrollment Procedures
Sec. 15.01.004	Eligibility
Sec. 15.01.005	Enrollment Committee
Sec. 15.01.006	Relinquishment
Sec. 15.01.007	Disenrollment and Challenges to Enrollment
Sec. 15.01.008	Enrollment of Children
Sec. 15.01.009	Administration

### Sec. 15.01.001 Purposes

- A. To establish procedures to compile a tribal enrollment roll to supplement the roll established as Judgment Roll by the Act of August 19, 1965 (PL 89-130). This roll consists of the names of all persons who meet the definition of Tlingit or Haida Indians as defined in the constitution of the Central Council of Tlingit and Haida Indian Tribes of Alaska (CCTHITA hereafter). The responsibility for the preparation and maintenance of this roll shall rest with the Central Council.

### Sec. 15.01.002 Definitions

- A. **Active.** The “active” roll means the total citizenship roll of living persons. **Inactive Rolls:** whereas the “inactive” roll contains the names of those tribal citizens who have become deceased, dis-enrolled or relinquishment.
- B. **ANCSA Rolls:** This means a roll maintained by the ANCSA Corporations and does not automatically enroll a person in the Tlingit and Haida Tribal rolls. The ANCSA rolls are generally comprised of those persons deemed eligible for shareholder status under the Alaska Native Claims Settlement Act, Pub. L. 92-203 of 1971, 85 Stat. 690 at Sec. 5 (a) (c) and Amendments, Pub. L. 94-204 of 1976, at 89 Stat. 1145 Amendments of 1987.
- C. **Base Roll<sup>1</sup>:** Means the roll prepared by the Secretary of the Interior pursuant to Section 8 of the Act of June 19, 1935 (49 Stat. 388) (i.e., the Congressional Act authorizing the Tlingit and Haida Tribes to file Judgment claims), as amended by the Act of August 19, 1965 (79 Stat. 543), (as defined in the Amendments to the Rules of Election, Rule 21 (k), (1987), with explanation added).
- D. **Enrollment Committee:** Means the body of the Tribe vested with authority to pass on enrollment matters.
- E. **Current Citizenship Roll:** means the Base Roll and the Supplemental Roll taken together. All living persons that can demonstrate Tlingit and/or Haida ancestry shall be eligible for citizenship. Direct descendants of

citizens, whose names appear on the Base Roll, shall be automatically eligible for citizenship. All lineal descendants of citizens shall be eligible for citizenship.

- F. Citizenship or membership:** Means the applicant certified by the CCTHITA Tribal Enrollment Committee.
- G. Sponsor:** Means a person who files an application for enrollment on behalf of another person.
- H. Relinquishment:** Means voluntarily removal from the Tribal Rolls.
- I. Disenrollment:** Means involuntarily removal from the Tribal Rolls.
- J. Provisional:** Temporary enrollment for eligible Tribal Citizen to get enrolled for services needed prior to regular enrollment committee meeting.

**Sec. 15.01.003 Application for Enrollment Procedures**

- A.** Application for enrollment may be received at any time.
- B.** Application forms will be furnished to individual applicants on request to the Central Council.
- C.** Among other information each application shall contain:
  - 1.** Certification as to whether application is for a natural child or an adopted child of the parent through whom eligibility is claimed; and
  - 2.** If the application is filed by a sponsor, the name, address and relationship of sponsor to the applicant.
  - 3.** Family Tree must be complete to best of knowledge of applicant.
- D.** Application for enrollment must be filed with the Program Compliance Office of the Central Council or through the appropriate community enrollment representative.
- E.** Application will be presented to the enrollment committee at the next scheduled meeting for certification.

**Sec. 15.01.004 Eligibility**

- A. Proof of Eligibility**
  - 1. Burden of Proof:** The burden of proof rests upon the applicant to establish his/her eligibility for enrollment.
  - 2. Rebuttal:** To sustain a finding that rebuts the presumption of eligibility thus established the committee would have to find clear and convincing rebuttals evidence that the applicant is not a citizen. Factors which may be considered include, but are not limited to affidavits of rebuttable staff, or other persons acquainted with the clan family genealogy, and blood tests or other proven, credible scientific tests which disestablish the claim of natural parentage.

**B. Documentary Evidence.** Documentary evidence, such as birth certificates, death certificates, baptismal records, copies of probate findings of affidavits, may be used to support a claim for enrollment. The Enrollment Committee shall record whether their approval of the applicant's Tlingit and Haida citizenship is based on one of the following three groups of evidence or if it is based on group 4 or group 5 evidence and testimony of Central Council staff pursuant to Section 3., Presumption, following:

1. **Group 1 Evidence:** Group 1 evidence shall be; State Birth Certificates, Death Certificates, Baptismal Records, copies of legal findings of record such as those of probate, hearings, or other court records, or BIA records which show direct lineage to the applicant as a descendant.
2. **Group 2 Evidence:** Group 2 evidence shall be the same documents as Group 2 but which show an indirect or corollary lineage to the applicant, as in the case of uncles, aunts, cousins, or other relatives not direct ascendant.
3. **Group 3 Evidence:** Group 3 Evidence shall be other legal documents of court, agency, hearings, or DNA testing findings and conclusions of law and fact which establish lineage of Tlingit and Haida citizenship.

**C. Presumption of Probable Cause.** A presumption is established that there is probable cause to believe an applicant is eligible to be a Tlingit or Haida citizen when:

1. The Central Council Department of Health and Human Services staff has confidential records on the applicants lineage, and
2. The staff person shall testify to the fact that applicant person is a person of Tlingit and Haida lineage. Based on their having investigated confidential records, and
3. Shall also testify whether they have supportive evidence, in addition to confidential documentary records, and shall state the general nature thereof, and whether or not the supportive evidence should be deemed confidential, and if not; they may answer questions to the Committee of a general nature, and
4. Shall testify as to whether the basis of their confidential knowledge is:
  - a. **Group 4 Evidence:** Group 4 evidence shall be deemed to be other confidential documentary evidence the CCTHITA staff have acquired on the basis of their own investigations, or documents which establish lineage to the satisfaction of the Department of Health and Human Services Manager and the Manager so certifies.
  - b. **Group 5 Evidence:** Group 5 evidence shall be other confidential evidence the Department has acquired which the Manager believes

generally, though not completely, establishes the lineage of the applicant as a Tlingit and Haida eligible person.

- i. Group 5 evidence shall require the Committee to find other evidence in addition to the certification that Group 5 evidence exists in order to establish a presumption based on probable cause.
  - ii. To establish presumption of probable cause based on testimony of Group 5 evidence the Committee must find some supplementary evidence which helps establish a presumption of lineage.
- c. Affidavits Accepted by the Following:
- i. Personal knowledge one (1) affidavit required if committee knows person submitting affidavit.
  - ii. If not known by committee member, two (2) affidavits required.
  - iii. All affidavits must be signed by enrolled Tribal Citizens and be notarized originals.

**D. Changes**

1. **Amendments:** The roll shall be amended from time to time as necessary to correct errors, to show changes in names, address, or other information showing entitlements to recognition or reflect determination of eligibility and ineligibility, for births and designation of deceased, and for such other purposes as may be required.
2. **Inactive Roll:** Upon a determination by the Enrollment Committee that a Tribal citizen has become deceased, their names shall be labeled as deceased, placed on the Inactive Roll and maintained in perpetuity.
3. **Proof of Death:** The Enrollment Committee shall require the same groups of evidence to sustain a presumption or rebuttal of death as are used for proof that an applicant is a living citizen.
4. **Name Changes:** Require legal documents i.e., Marriage Certificate, Divorce Decree, Adoption Decree, Birth Certificate, Central Council, Enrollment Affidavit Name Change, Social Security Card, State Identification or a Driver's License.

- E. Descendants Eligible.** All persons who are descendants of persons who were members under the base roll and/or supplemental citizenship rolls are eligible for citizenship as a Tlingit and/or Haida Indian.

**Sec. 15.01.005 Enrollment Committee**

- A. **Appointment:** The members of the Enrollment Committee shall consist of five (5) Delegates whom the President of the Central Council shall appoint. The Enrollment Committee shall consist of members whose residences are distributed throughout the geographic areas of Community Council's which are representative of Tlingit and Haida origins.
- B. **Meetings:** The Enrollment Committee shall meet a minimum of twice a year
- C. **Duties:** The Enrollment Committee shall serve to certify eligibility and to review appeals. Appeals will be considered only if new and relevant facts are presented to the Enrollment Committee.
- D. **Recommendations:** The Enrollment Committee may recommend guidelines to the Executive Council of Central Council concerning citizenship requirements.

**Sec. 15.01.006 Relinquishment**

- A. **Descendants Not Affected:** A citizen may relinquish his or her citizenship by submitting a statement to that effect in writing to the Enrollment Committee. Such action will not affect the status of descendants of such non-citizen.
- B. **Readmission Upon Petition:** Persons who have relinquished their citizenship pursuant to 15.01.006 (1) may be readmitted to full citizenship upon petition to the Enrollment Committee.
- C. **Child Birth Right:** It is a Tlingit and Haida Child's birthright to be an enrolled Tribal Citizen. That birthright cannot be disclaimed or waived by anyone except the child upon reaching his/her majority. Under special conditions the guardian/sponsor may relinquish the child's enrollment due to monetary, medical, or educational purposes, for the best interest of the child.

**Sec. 15.01.007 Disenrollment and Challenges to Enrollment**

- A. **Resolution Necessary:** All action to disenrollment citizens will be in the form of a resolution for the record, passed by the governing body, and shall contain the facts of the situation.
- B. **Procedures:** Criteria governing procedures for disenrollment and protects to enrollment shall be developed by the Enrollment Committee in accord with standard Administration Procedures Act requirements of notice and due process.
- C. **Challenging Eligibility:** Any enrolled citizen of the Tribe may challenge the eligibility of an applicant based on clear and convincing rebuttal evidence indicating lack of eligibility. (Ref. Eligibility section of this Title.).
- D. **Grounds for Disenrollment:** The only grounds for disenrollment shall be on the basis of false information or material error which affects whether

the person is, in fact, a Tlingit and Haida Indian and which would disqualify their citizenship.

- E. Written Challenges, Time and Procedure:** A challenge must be in writing, submitted to the President following application and prior to final determination of its acceptance or rejection by the Enrollment Committee. The Enrollment Committee shall accept any challenges received within thirty (30) days from such application date and consider the sufficiency of challenging evidence.
- F. Right to Appeal:** Any applicant whose application is denied shall have the right of appeal to the CCTHITA Tribal Court. Appeals shall be in the form of a resolution to accept or reject the application for citizenship based on new and relevant information. Decisions made on such an appeal shall be final.

**Sec. 15.01.008 Enrollment of Children**

- A. By Either Parent or Sponsor:** Children whose fathers are not enrolled may be enrolled at the discretion of the mother, and vice versa, or by a sponsor.
- B. Adoption to Others:** A child who is adopted outside the tribe does not lose his or her right to enrollment if Tlingit and Haida lineage can be proven. (Ref. to "Eligibility" under this title.).
- C. Adoption from Others:** A child who is adopted by Tribal citizens who is not otherwise eligible for Tlingit and Haida citizenship shall not be enrolled.
- D. ICWA Applies and Confidentiality:** Provisions of the Indian Child Welfare Act (p. 95-608) shall apply as appropriate and shall be interpreted as to individual applicability by the Central Council. In keeping with Indian Child Welfare Act and sound administrative practice all information about adopted children will be kept confidential and shall be protected at all times (Ref. Confidentiality requirements of this Title.).
- E. Enrollment by Sponsor:** Parents are primarily responsible for application for citizenship of newborns. However, if this has not been done by parents, and consistent with application for Enrollment Procedure at section 15.01.003 of this Title, a sponsor may enroll another person.

**Sec. 15.01.009 Administration**

- A. Records.** All citizenship enrollees will be accounted for with the present storage and retrieval system available to Central Council which already contains the Judgment Roll prepared in accordance with the Act of August 19, 1965. Such roll is accepted henceforth as the Citizenship Roll.
- B. Enrollment Numbers:** The enrollment number shall be included in any subsequent identification card system adopted by the Central Council along with other pertinent data.

- C. **Number Issuance:** Enrollment numbers shall be issued in sequence using six digits, beginning with A000001, A000020, and so forth. The roll shall include tribal citizens born prior thereto who for any reason may not be enrolled and who are otherwise eligible. (Ref. "Eligibility" section under this Title.). All eligible Tlingit and Haida citizens shall be issue citizenship cards.
- D. **Application Form:** An application form shall be used which reflects information necessary to determine an applicant's eligibility for enrollment. It shall be clear and easily understood. Eligibility shall be determined on the basis of information furnished with the application.
- E. **Privacy Act:** A statement explaining Privacy Act provisions shall be included with each application. The Central Council will establish procedures to assure internal and external confidentiality.

ADOPTED in April of 2011, by the Tribal Assembly of the Central Council of Tlingit and Haida Indian Tribes of Alaska, by a vote of 121 yeas, 0 nays, 0 abstentions and 0 absence(s).

**CERTIFY**



President Edward K. Thomas

**ATTEST**



Tribal Secretary Harold Houston Sr.